IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

Crl.Rev.Pet.No. 18 of 1998()

ST.2458/1995 of JUDL.MAGISTRATE OF FIRST CLASS COURT, OTTAPPALAM

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REVN. PETITIONER: COMPLAINANT

C.JANARDHANAN
CHAKKUMKULANGARA VEEDU
LAKSHAM VEEDU COLONY
VANIYAMKULAM AMSOM AND DESOM
OTTAPPALAM TALUK.

BY ADV. SRI.N.GOVINDAN NAIR

RESPONDENTS: ACCUSED

C.KAMALA, PLASANT COTTAGE
CHERUKARA AMSOM DESOM
PERINTALMANNA TALUK.

BY ADV. SMT.PREETHY KARUNAKARAN
BY PUBLIC PROSECUTOR SRI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.18 of 1998

Dated this the 5th day of June, 2007

O R D E R

The revision petitioner is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act.

2. The court below dismissed the complaint observing that the notice sent demanding the cheque amount, interest and notice charges of Rs.250/- as seen from the carbon copy of the notice produced along with the complaint, without specifying the rate of interest which is claimed, is illegal relying on the decision reported in 1977 (1) KLT 302 and hence cognizance was not taken. I find that the above is no longer good law in the matter. Hence, the order of the court below is set aside. The matter is remitted back to the court below. The court below shall permit the revision petitioner/complainant to further pursue the matter. Revision petitioner shall appear before the Judicial First Class Magistrate Court, Ottappalam on 27.6.2007.

The criminal revision petition is allowed as above.

K.R.UDAYABHANU,
JUDGE

csl